

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMILY DAHL, <i>et al.</i> ,)	
Plaintiffs,)	
)	No. 1:21-cv-757
-v-)	
)	Honorable Paul L. Maloney
THE BOARD OF TRUSTEES OF WESTERN)	
MICHIGAN UNIVERSITY, <i>et al.</i> ,)	
Defendants.)	
_____)	

**ORDER DENYING MOTION FOR STAY OF PROCEEDINGS AND EXTENDING
DEADLINE FOR FILING ANSWER**

Defendants appealed this Court's order granting a preliminary injunction, which prevents Defendants from enforcing its vaccine mandate for student athletes. Defendants now request a stay of the proceedings while their appeal is pending. (ECF No. 28.)

Defendants assert that their appeal deprives this Court of jurisdiction over Count 1 in the complaint, but not over any of the other claims. Defendants intend to challenge the legal sufficiency of many of the remaining claims. Defendants conclude that waiting until the circuit court resolves the appeal would be a better use of the Court's and the parties' time and expenses.

The other claims asserted by Plaintiffs in the complaint will need to be addressed almost without regard to how the circuit court resolves the religious freedom claim that is the basis for the preliminary injunction. Defendants' concerns about discovery can be addressed after Defendants file either their answer to the complaint or their Rule 12(b) motion.

Accordingly, The Court **DENIES** Defendants' request for a stay. (ECF No. 28.) The Court, however, will extend the deadline by fourteen days for Defendants to file their responsive pleading under Rule 12(a) or a motion under Rule 12(b). Defendants' answer to the amended complaint is now due on Friday, October 8, 2021. **IT IS SO ORDERED.**

Date: September 21, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge